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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,441

07/12/2004

Shinichi Heya

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03/09/2005

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EXAMINER

MATHEWS, ALAN A

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/710,441	HEYA, SHINICHI	
	Examiner	Art Unit	
	Alan A. Mathews	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/04 & 12/01/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-3 are objected to because of the following informalities: In claim 1, line 4, and claim 2, line 4, there is no proper antecedent basis for "the unit of order". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Crochetierre et al. (U. S. Patent No. 5,093,684). Crochetierre et al. discloses in figure 3 and column 7, lines 41-46, a printer forming images continuously on a long photosensitive material 52 (or 24) and a cut punch 54 and an end of order punch (EOF) 55. The end of order punch 55 is fired when a splice joining two negative films is detected by sensors. As broadly as claimed, the end of order punch 55 being fired upon detection of a splice of two negative films is reserving the unit or order. The claim has not clearly defined what the term "reservable" means. Column 7, lines 28-30, discusses the **cutting line at the end of one film's set of prints and the next** (i.e. unit of order).

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Column 21, lines 57-67, and column 22, lines 1-20, disclose that the cutters have two separate inputs, one that indicates a cut each and every time it sees a hole (to cut apart prints) and the other that indicates an end of order each and every time it sees a hole. Column 22, lines 9-14, states "The output of the AND gate provides an end of order signal to the end of order punch hole sensor input of the existing prior art cutter". With respect to claim 2, the "inputting means" would be the detector detecting a splice joining two negative films. In addition, figure 16a discloses a batch management computer 34 which could be considered an "input means". With respect to claim 3, figure 3 shows winding means for winding the photosensitive material 24 formed with at least an image.

Claim Rejections - 35 USC § 103

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crochetierre et al. (U. S. Patent No. 5,093,684) in view of Beggiao (U. S. Patent Publication No. 20020106207 A1). Crochetierre et al. discloses in figure 3 and column 7, lines 41-46, a printer forming images continuously on a long photosensitive material 52 (or 24) and a cut punch 54 and an end of order punch (EOF) 55. The end of order punch 55 is fired when a splice joining two negative films is detected by sensors. Column 7, lines 28-30, discusses the **cutting line at the end of one film's set of prints and the next** (i.e. unit of order). Column 21, lines 57-67, and column 22, lines 1-20, disclose that the cutters have two separate inputs, one that indicates a cut each and every time it sees a hole (to cut apart prints) and the other that indicates an end of order each and every time it sees a hole. Column 22, lines 9-14, states "The output of the AND gate

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provides an end of order signal to the end of order punch hole sensor input of the existing prior art cutter". With respect to claim 3, figure 3 shows winding means for winding the photosensitive material 24 formed with at least an image. Thus, Crochetierre et al. discloses the invention except for specifically reciting the type of "reserving" and "input means" that Applicant intends (although Applicant's broad claim terminology still reads on Crochetierre et al. alone). Beggiao discloses in figure 1 an input means 100 with processing information p.i. and controller 800 which controls cutters 500. The input means 100 would reserve the cutting of the print paper. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Crochetierre et al. with an input means for reserving an order to cut print paper in view of Beggiao for the purpose of improving the versatility and controllability of the system and thus have a better printing system.

Conclusion

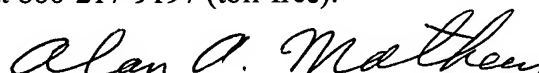
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited in the PTO-1449 are cited for the same reasons they were cited in Applicant's IDS. The patent to Murray et al. is cited to show input devices 50, 52, and 54. The patent to Inoue is cited to show a printer in figure 3 and order marks 3b in figure 5 made by punch 28a.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan A. Mathews
Primary Examiner
Art Unit 2851

AM